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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

VERIZON WIRELESS,)
)
Respondent.)
)
and)
)
COMMUNICATIONS WORKERS OF AMERICA,)
AFL-CIO,)
)
Charging Party.)
)
_____)

Case 02-CA-157403

VERIZON NEW YORK INC., EMPIRE
CITY SUBWAY COMPANY (LIMITED),
VERIZON AVENUE CORP., VERIZON
ADVANCED DATA INC., VERIZON
CORPORATE SERVICES CORP.,
VERIZON NEW ENGLAND INC.,
VERIZON SERVICES CORP. AND
VERIZON NEW JERSEY INC.,

Respondents

and

COMMUNICATIONS WORKERS OF
AMERICA (“CWA”),

Charging Party

VERIZON PENNSYLVANIA INC.,
VERIZON SERVICES CORP. AND
VERIZON CORPORATE SERVICES
CORP.,

Respondents

and

COMMUNICATIONS WORKERS OF
AMERICA, DISTRICT 2-13, AFL-CIO,
CLC,

Charging Party

VERIZON WASHINGTON, D.C. INC.,
VERIZON MARYLAND INC., VERIZON
VIRGINIA INC., VERIZON SERVICES
CORP., VERIZON ADVANCED DATA INC.,
VERIZON SOUTH INC. (VIRGINIA),
VERIZON CORPORATE SERVICES CORP.
AND VERIZON DELAWARE INC.,

Respondents

and

COMMUNICATIONS WORKERS OF
AMERICA, DISTRICT 2-13, AFL-CIO
CLC,

Charging Party

Case 02-CA-156761

Case 04-CA-156043

Case 05-CA-156053

VERIZON CALIFORNIA, INC. AND)
 VERIZON FEDERAL INC., VERIZON)
 FLORIDA INC., VERIZON NORTH LLC,)
 VERIZON SOUTHWEST INC., VERIZON)
 CONNECTED SOLUTIONS INC., VERIZON)
 SELECT SERVICES INC. AND MCI)
 INTERNATIONAL, INC.,)
)
 Respondents)
)
 and)
)
 COMMUNICATIONS WORKERS OF)
 AMERICA AFL-CIO, DISTRICT 9)
)
 Charging Party)
 _____)

Case 31-CA-161472

**MOTION TO STRIKE
 RESPONSE TO NOTICE
 TO SHOW CAUSE**

Verizon Wireless and Verizon Wireline entities filed a response to the Board's Notice to Show Cause which issued on November 19, 2018. That response was filed on December 21, 2018 and should be stricken.

The response goes well beyond the Notice to Show Cause. The Board did not ask for the position of any party about how to treat other cases. The Notice is directed only to the instant case.

The Verizon entities rather than focus upon what should happen with this case, argue that other cases should be consolidated. Because the Board did not seek the party's view on the consolidation or the disposition of other cases, the Verizon entities response goes beyond what the Board asked the parties to brief or respond to in the Notice to Show Cause.

Additionally, the Verizon entities have not served the parties in the other cases so that they could respond as to the request in this case. Notice is an element of due process. It is entirely lacking here because no notice has been given to the other parties that their cases may be consolidated or that the Board may take some action.

Moreover, the Ninth Circuit did not remand all of Case 28-CA-145221. Only certain issues were remanded for reconsideration.

The Board cannot consolidate those matters pending before the Ninth Circuit because the certificate of record has been filed and as a result, the Board lacks jurisdiction to consider or modify those portions of the case. See 29 U.S.C. § 160(e).

For the reasons indicated above, the response filed by the Verizon entities should be stricken in whole or at least in so far as it seeks any order which would affect other pending cases.

Dated: January 2, 2019

Respectfully submitted,

AMY YOUNG

LAURENCE GOODMAN
WILLIG, WILLIAMS & DAVIDSON

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ David A. Rosenfeld
DAVID A. ROSENFELD
Attorneys for the Charging Parties

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PROOF OF SERVICE

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On January 2, 2019, served the following documents in the manner described below:

MOTION TO STRIKE RESPONSE TO NOTICE TO SHOW CAUSE

- ☒ (BY ELECTRONIC SERVICE) By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from kkempler@unioncounsel.net to the email addresses set forth below.

On the following part(ies) in this action:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 2, 2019, at Alameda, California.

/s/ Karen Kempler

Karen Kempler